

BROOK & ASSOCIATES, PLLC

— NEW YORK | NEW JERSEY | WASHINGTON DC —

BRIAN C. BROOK
BRIAN@BROOK-LAW.COM

100 CHURCH STREET
FLOOR 8
NEW YORK, NY 10007
TEL: (212) 256-1957

May 28, 2020

By ECF

The Honorable Katherine H. Parker
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Daniel Kleeberg et al. v. Lester Eber et al.*, 1:16-cv-09517-LAK-KHP
Conference Call Request

Dear Judge Parker,

I write because the flow of information from Wendy Eber and her counsel has been unduly limited. I respectfully request that the Court schedule a conference call to obtain a status update on her efforts to become appointed as the Executrix of Lester Eber's estate.

As of now, it appears that no effort has been made to create an estate or obtain letters testamentary, likely because Wendy knows that doing so will allow this Court to rule. The Surrogate's Court has now been open for two weeks, and even before then, notices of decedents were capable of being filed and registered with the Surrogate's Court—but Wendy did not do so. I have been told that Wendy has retained Nixon Peabody to represent her as Executrix, and yet Mr. Ramsey has refused to provide me with the contact information for any particular individual at that firm who may be handling this matter. It is only as a last-ditch effort that I am now reluctantly writing to this Court.

Among other things, I believe this Court has jurisdiction and authority to order Wendy Eber to make the necessary filings to avoid delaying this case. I have received a copy of Lester Eber's will and have confirmed that it provides that Wendy Eber shall be the Executrix.


Alternatively, I would ask the Court to order Wendy Eber to provide an original death certificate to me so that, along with the will, I could file the documents necessary to create the estate on behalf of my clients as creditors. Of course, if such efforts are required, then my clients reserve the right to contest Wendy's appointment as Executrix in part on the grounds that she has unreasonably delayed, combined with her history of defrauding creditors and my clients.

May 28, 2020
Page 2

BROOK & ASSOCIATES

I am truly sorry that we have to burden the Court with this request, but I thank the Court for its time and attention to this important matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. C. Brook", is written over a horizontal line.

Brian C. Brook

cc: All counsel of record